

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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ALASKA IRONWORKERS PENSION  
TRUST, derivatively on behalf of  
FEDERATED DEPARTMENT STORES,  
INC.,

Civil No. 02-528 (JRT/SRN)

Plaintiff,

v.

JAMES M. ZIMMERMAN, et al.,

**ORDER**

Defendants,

and

FEDERATED DEPARTMENT STORES,  
INC., a Delaware corporation,

Nominal Defendant.

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Carolyn Glass Anderson, ZIMMERMAN REED, 651 Nicollet Mall Suite 501, Minneapolis, MN 55402-4123; Travis Downs, III, Randall H. Steinmeyer, MILBERG WEISS BERSHAD HYNES & LERACH LLP., 100 Pine Street Suite 2600, San Francisco, CA 94111, for plaintiff.

Thomas L. Kimer and Jeffrey D. Hedlund, FAEGRE & BENSON, 2200 Wells Fargo Center, 90 South Seventh Street, Minneapolis, MN 55402-3901; John M. Newman, JONES, DAY REAVIS & POGUE, North Point, 901 Lakeside Avenue, Cleveland, OH 44114, for the individual defendants.

Timothy D. Kelly, KELLY & BERENS, 3720 IDS Center, 80 South Eighth Street, Minneapolis, MN 55402, for nominal defendant Federated Department Stores.

FILED

RICHARD D. SLETTEN, CLERK

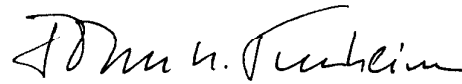
JUDGMENT ENTD.

DEPUTY CLERK

APR 05 2002

This matter came before the Court at a hearing held by telephone conference at 1:00 p.m. on Friday, April 5, 2002. Based upon the arguments of counsel, the written submissions of the parties, and the entire record, the court orders that plaintiff's motion for a temporary restraining order is **DENIED**. The Court finds that plaintiff has not demonstrated irreparable harm in connection with the planned termination of employees of Fingerhut Companies, Inc. Counsel are directed to confer regarding any discovery necessary to prepare for a preliminary injunction hearing. Counsel are further directed to contact Ms. Lou Jean Gleason, Calendar Clerk for Judge Tunheim, at 612-664-5083 about scheduling a preliminary injunction hearing as soon as possible.

DATED: *April 5, 2002*  
at Minneapolis, Minnesota.

A handwritten signature in black ink, appearing to read "John R. Tunheim", written over a horizontal line.

JOHN R. TUNHEIM  
United States District Judge